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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: Joseph H Martin Art Unit: 3722
Application Number: 10/726,223 Examiner: Erica E. Cadugan
Filed: 12/01/2003

Title:

Vise-Mounted Milling Machine Collet Indexer

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

- ☒ Small entity – fee \$ 270 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
- ☐ Other than small entity – fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

B The issue fee of \$ _____

- ☐ has been filed previously on _____
- ☐ is enclosed herewith.

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270.00 DP

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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UNAVOIDABLY UNDER 37 CFR 1.137(a)**

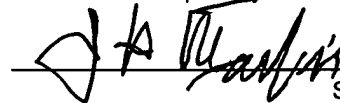
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature

9/24/2010

Date

Joseph H Martin

Typed or printed name

Registration Number, if applicable

3235 Executive Ridge

760-757-7388

Address

Telephone Number

Vista CA 92081

Address

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☐

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

09/24/2010

Date



Charla Papp

Signature

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

 _____ Signature	09/24/2010 _____ Date
Joseph H Martin _____ Typed or printed name	_____ Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

This application became abandoned January 29, 2006, for failure to timely file a response to the non-final office action mailed on October 28, 2005. Our former agent, Donald Meeker failed to request for an extension or to reply. As the inventor, I was assured by Donald Meeker that the patent was in process. In 2008, I became aware by searching for the application number that the patent had been abandoned. A petition was filed by Donald Meeker on August 25, 2008 to revive the application. The petition was granted on October 7, 2008. Again, we were assured the patent application was in process and that it took many months for the Patent Office to reply. Although the money to research and revive the patent was sent and cashed by the agent, we have again learned that, Mr. Meeker did not file a timely response for additional information and the patent was abandoned. Attempts to communicate thru telephone messages and emails were unanswered. Therefore, we have removed the Power of Attorney from Donald Meeker as the representative of this application. As the Pro Se Inventor I have requested a new PKI certificate and assumed the Power of Attorney. We respectfully request that you accept this petition and revive Application 10/726,223 so we may complete the requirements necessary to procure the patent. Please consider the negligence of our former patent agent cause for establishing unavoidable delay.

In addition to the above we have enclosed an email from Mr. Meeker regarding the abandonment of our application. As you can see by the attached invoice payment of \$810 as invoiced was sent to Donald Meeker within days of the invoice date. A copy of the cancelled check is enclosed further showing that we made every effort to comply. It is Donald Meeker that has taken our money and not complied with the requests of the Patent Office. This concludes while the abandonment may be considered "unintentional" for Donald Meeker it was definitely unavoidable to us as all documentation pointed to the patent application being worked on.

Please review, Item #1, Invoice, Item #2 Cancelled Check, and Item #3 Email between Joseph Martin and Donald Meeker in June 2010

(Please attach additional sheets if additional space is needed.)



POSTED

Item #1
Donald W. Meeker
Patent Agent
240 Cabrini Blvd. #4A
New York, NY 10033
(800) 434-6297 u (212) 543-1275
FAX (888) 234-4426
dm@1st-patents.com
www.1st-patents.com

September 11, 2009

Joe Martin
3235 Executive Ridge
Vista, CA 92083

*Mailed to
NY 9/14/2009*

INVOICE

For professional services rendered in the preparation of additional work in conjunction with the Election of Species to the patent application No. 10/726,223, entitled *Vise-Mounted Milling Machine Collet Indexer*:

Total fee due: \$810

Thank you

Item #2

PROC. CTR - EL SEGUNDO CA
553917103 2854 5868 04 59 0000

*Donald W. Meeker
Patent Agent*

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TRACER # 0168 PKT. 001
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THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



SHERLINE PRODUCTS, INC.

3235 EXECUTIVE RIDGE
VISTA, CA 92081

PH. (760) 727-5857 FAX (760) 727-7857

WELLS FARGO BANK
www.wellsfargo.com

16-24/1220

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CHECK NO.

** EIGHT HUNDRED TEN and 00/100 DOLLARS 09-21-09 5868 07

PAY

TO THE
ORDER OF

DATE

AMOUNT

09/14/09 \$*****810.00**

DONALD W MEEKER, PATENT AGENT
924 East Ocean Front #E
Newport Beach CA 92661



[Signature]

NP



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



Charla

Item #3

From: Joe Martin [joe-martin@cox.net]
Sent: Friday, September 24, 2010 8:19 AM
To: 2Charla Papp
Subject: Fw: Martin 5C Patent



----- Original Message -----

From: Don Meeker
To: Joe Martin
Sent: Monday, June 21, 2010 5:27 PM
Subject: Re: Martin 5C Patent

Joe,

The patent went abandoned because your original check went to San Francisco, so no response was made to the Patent Office and the application became abandoned. Since you sent the check to revive the application, I have been working on it, but it takes awhile to go through the system because of the appeal process in a different office.

The Patent Office is still pursuing me on that grievance that the other guy filed. They are using the letter you sent to withdraw the grievance as another grievance, so now it is his grievance and your grievance. This is not helpful.

Don Meeker**Patent Agent**

924 East Ocean Front #E

Newport Beach, CA 92661

800-434-6297 or 949-675-6296

FAX 949-675-6717

Email: dm@1st-patents.comWeb Site: <http://www.1st-patents.com>

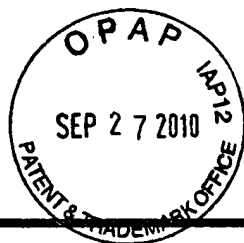
On Jun 21, 2010, at 8:48 AM, Joe Martin wrote:

Mr. Meeker

We discovered Friday that you did it to me again and my Patent has been abandoned after we sent you the last check to avoid this from happening. I strongly advise you to contact me by email and let me know how you are going to correct this situation immediately.

Joe Martin**President/Owner**

9/24/2010



September 24, 2010

Re: Application #10/726,223

Inventor: Martin, Joseph H.

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner,

Since the patent agent we originally contracted to pursue this patent application is no longer being retained because he didn't meet his contractual obligation, we plan to attempt to move the process forward by handling it ourselves. Please excuse our limited knowledge of the language usually associated with patent applications.

According to the statement in Application/Control Number 10/726,223 we need to elect a single disclosed sub-species from each category. In order to simplify the claim, we wish to eliminate reference to any work-holding device other than the pneumatic collet holder. (Figures 5 and 6, which are the same unit shown in the vertical and horizontal mode.)

This means that the only sub-species claimed regarding the way the work piece is held is by means of a "Pneumatically actuated chuck 22 (actuated by pneumatic control 23) mounted in a rotatable cylinder 26." We would eliminate reference to the second sub-species "wherein the work holding element 28A includes a rotatable plate with a series of radial slots 31 with removable brackets 33 being adjustably mounted in the slots 31 for holding the workpiece 60A."

We also elect that the only sub-species regarding how the work is to be rotated is "by means of a computerized control 25A for turning the work holding element 28." This eliminates the subspecies that described using a hand crank.

Background:

Comparable indexing devices are made from castings, and the sides are not square or true. (See attached photo.) They are intended to be mounted to the table of a milling machine, a part installed in the fixture and then the fixture adjusted until the part is perfectly aligned with the machine. At this point it is clamped down. The advantage of the invention in this application is that it has a base plate that is machined square and true. It can be held in an existing mill vise that has already been mounted to the mill table for another operation and has had the jaws indicated to be square with the machine. Therefore, when clamping this indexer in the vise, whether vertically or horizontally, the device will be clamped square, eliminating the necessity to further adjust it to make sure

parts held in it are square to the machine. This would be used primarily with manual milling machines where speed and ease of setup is of primary concern.

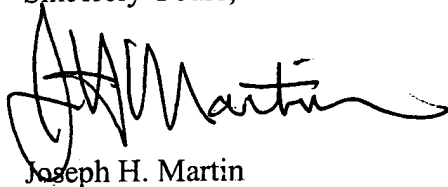
The rotary table itself is controlled by means of a computer controlled motor. It would also be possible to drive the rotation of the table with a manual handwheel. This is also one of the original claims; however, it is unlikely that this would be an attractive option to anyone purchasing such an item, so we also elect to drop that claim to further simplify the process.

These changes will eliminate figures 1, 2 and 3, leaving only figures 4 and 5 remaining.

I am enclosing a CD with a very short video showing the operation of a prototype unit. This makes it quite clear how the indexer works, how a workpiece is held and how the indexer is held in a vise.

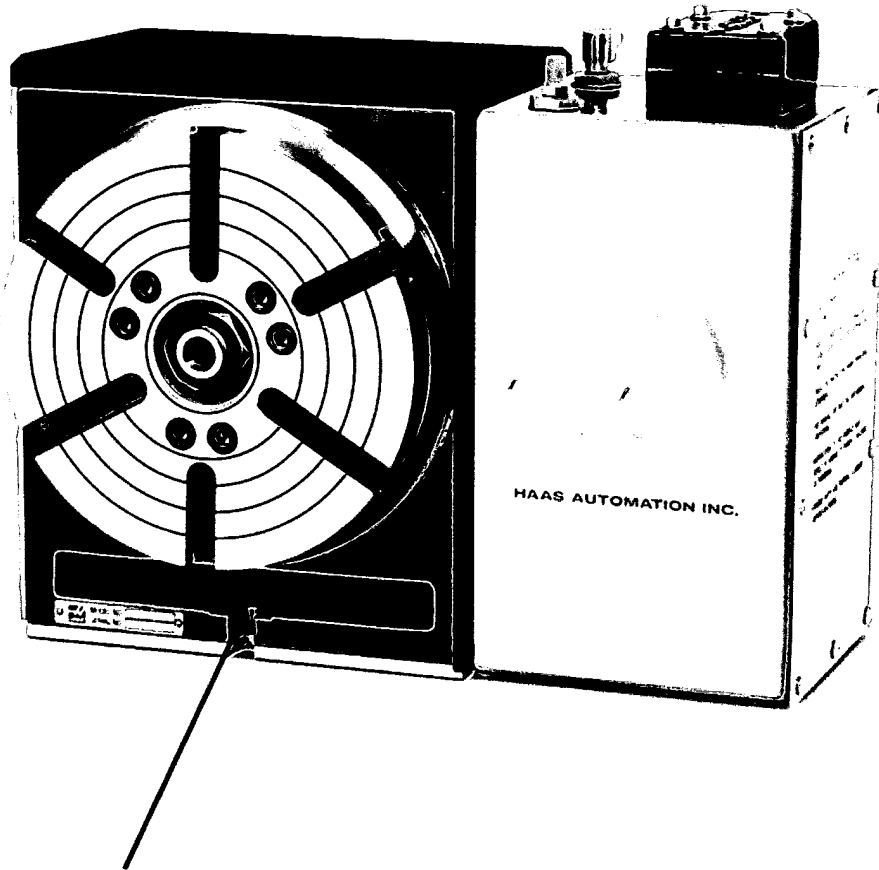
Please advise how we can complete this application in a manner that includes our main claim of the device being a pneumatically closed, computer controlled rotary indexer capable of being accurately held and quickly installed in a common machine vise. The other claims are of little consequence compared to its basic premise.

Sincerely Yours,

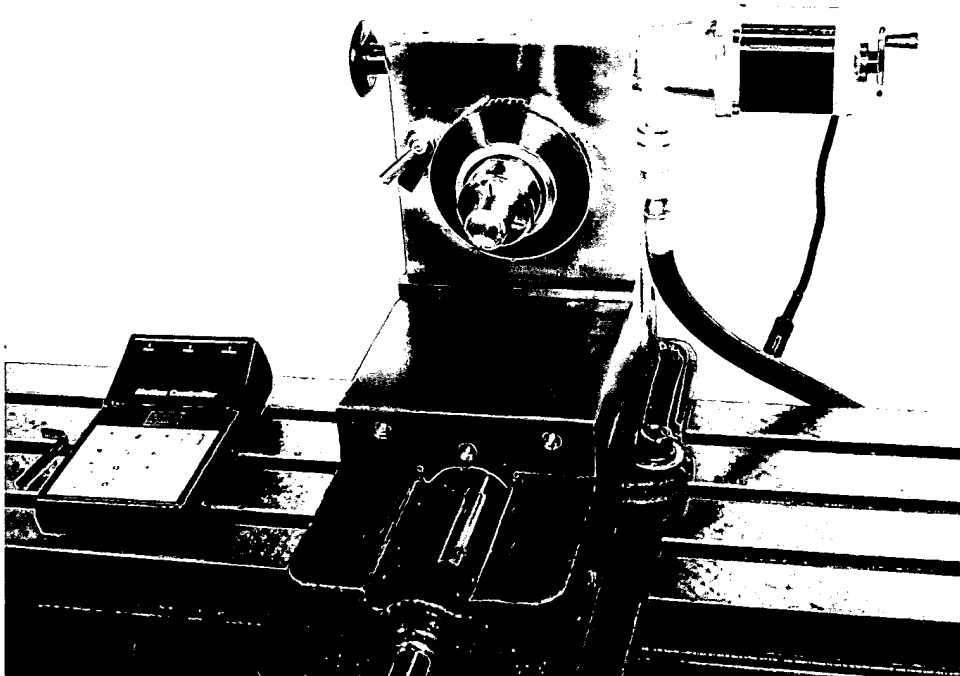
A handwritten signature in black ink, appearing to read "JH Martin", with a stylized, cursive script.

Joseph H. Martin
President/inventor

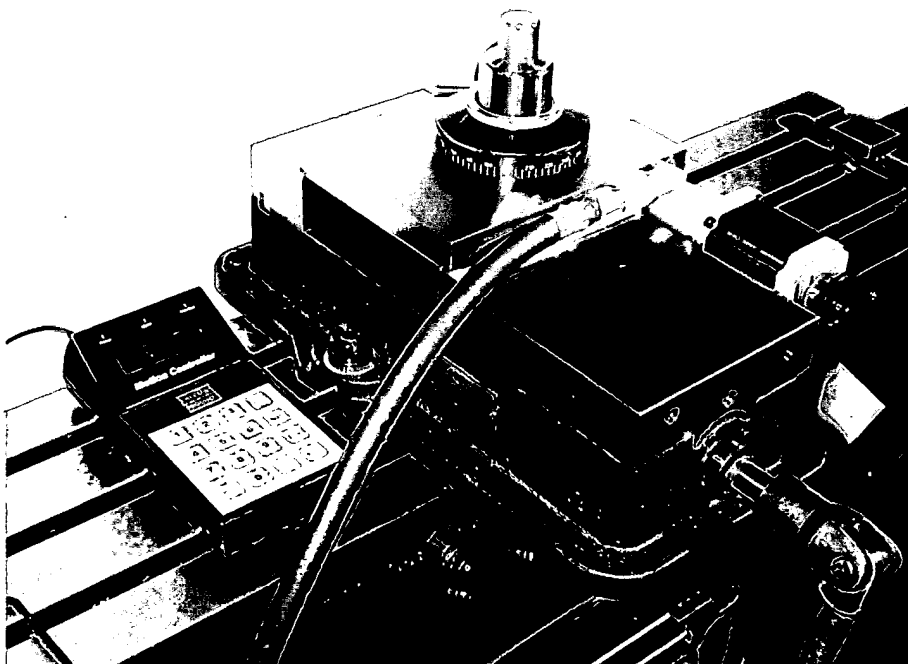
Typical CNC Indexer



Unit is typically bolted to machine table using slots like this. It must be aligned with the machine each time it is installed.



Prototype Indexer held vertically in 6" vise.



Prototype indexer held horizontally in 6" vise.

WORM PRELOAD DIAL (Hidden)

COLLET LOCK

ROTARY LOCK

**ADJUSTABLE DIAL
DIAL LOCK RING**

**5C COLLET
KEYPAD**

HANDWHEEL

**STEPPER
MOTOR**

**AIR
LINE**

6" VISE

5C Collet Inderxer Prototype Component Description